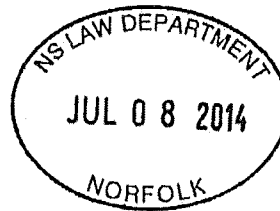


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to Roger A. Petersen

STATE OF INDIANA)
COUNTY OF WAYNE)

IN THE WAYNE CIRCUIT COURT
CAUSE NO. 89001-1407-CT-000034

ALESA PACK,
Plaintiff,
v.
NORFOLK SOUTHERN CORP.,
Defendant.



FILED

JUL 03 2014

Deana Berry
Clerk, Wayne Circuit Court

COMPLAINT

COMES NOW the Plaintiff, Alesa Pack, by counsel, and for her Complaint against the Defendant, Norfolk Southern Corp., states as follows:

1. Plaintiff Alesa Pack ("Pack") is an individual resident of the City of Richmond, County of Wayne, State of Indiana.

2. Defendant Norfolk Southern Corporation ("Norfolk Southern") is a for-profit foreign corporation with a principal place of business at Three Commercial Place, Norfolk, Virginia 23510 and a registered agent of John C. Duffy, STUART & BRANIGIN, 300 Main Street, Suite 800, Lafayette, Indiana 47901

3. On or about July 6, 2012, at approximately 1:30 p.m., Pack was riding her 1998 Venicia Moped northbound on Union Pike in the City of Richmond, County of Wayne, State of Indiana.

4. While traveling northbound, Pack attempted to drive over railroad tracks/crossing near the intersection of Union Pike and Sheridan Strike.

5. The railroad tracks/crossing at said intersection was owned, operated, maintained, or otherwise the responsibility of Norfolk Southern or its subsidiaries.

6. The railroad tracks/crossing were in a state of disrepair and was unreasonably dangerous such that they contained various holes, ruts, and/or other dangerous conditions.

7. Due to the disrepair and dangerous conditions of the railroad tracks/crossing, Pack was thrown from her vehicle when she attempted to cross over the railroad tracks/crossing and was injured.

8. At the time of the incident, Norfolk Southern owed Pack a duty to maintain the railroad tracks/crossing in a manner that would be reasonably safe for drivers on Union Pike to cross over them.

9. Norfolk Southern intentionally, recklessly, and/or negligently breached said duty of care to Pack by its actions herein, including but not limited to:

- a. Failing to maintain the railroad tracks/crossing in a reasonably safe condition;
- b. Failing to reasonably inspect or monitor the railroad tracks/crossing;
- c. Failing to post reasonably warning of the dangerous condition of the railroad tracks/crossing.
- d. Failing to reasonably train, monitor, or supervise its employees in regards to the maintenance, inspection, repair, or monitoring of the railroad tracks.

10. As a direct and/or proximate result of Defendant's breach of its duty of care to Pack, said Plaintiff has sustained severe injuries.

11. As a direct and/or proximate result of Defendant's breach of its duty of care to Pack, said Plaintiff has experienced significant pain and physical and emotional suffering.

12. As a direct and/or proximate result of Defendant's breach of its duty of care to Pack, said Plaintiff incurred medical expenses.

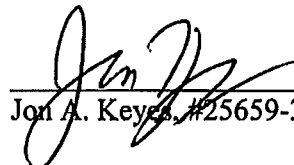
13. As a direct and/or proximate result of Defendant's breach of its duty of care to Pack, said Plaintiff will likely experience future pain, suffering, impairment, and may likely incur future medical expenses.

14. As a direct and/or proximate result of Defendant's breach of her duty of care to Pack, said Plaintiff has sustained property damage.

WHEREFORE, Plaintiff Alesa Pack requests judgment in her favor and against Defendant Norfolk Southern Corporation in an amount sufficient to compensate her for the damages she sustained as a result of the Defendant's intentional, reckless, and/or negligent behavior as described in this Complaint, for costs, and for all other relief just and proper in the premises.

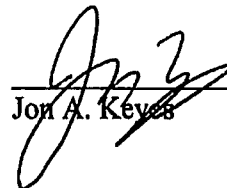
Respectfully Submitted,

ALLEN WELLMAN McNEW HARVEY, LLP


Jon A. Keyes, #25659-30

DEMAND FOR JURY TRIAL

Come now the Plaintiffs, by counsel, Jon A. Keyes, and pursuant to Trial Rule 38(B) demand that the cause and issues raised by Plaintiffs' Complaint be tried by a jury.


Jon A. Keyes

ALLEN WELLMAN McNEW HARVEY, LLP
Five Courthouse Plaza
P.O. Box 455
Greenfield, IN 46140
Telephone: (317) 462-3455
Fax: (317) 467-6109

STATE OF INDIANA)
COUNTY OF WAYNE) SS

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IN THE WAYNE CIRCUIT COURT

CAUSE NO. 89C01-1407-CT-00034

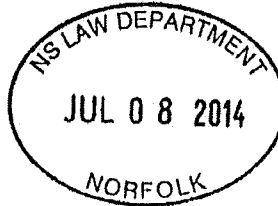
ALESA PACK

Plaintiff,

Vs.

NORFOLK SOUTHERN CORP.,

Defendant.



FILED

JUL 03 2014

Aura Berry
Clerk, Wayne Circuit Court

SUMMONS

THE STATE OF INDIANA TO DEFENDANT: Norfolk Southern Corp.
c/o John C. Duffy, Registered Agent
STUART & BRANIGIN
300 Main Street
Suite 800
Lafayette, IN 47901

You have been sued by the person(s) named "plaintiff", in the court stated above. The nature of the suit against you is stated in the complaint which is attached to this summons. It also states the demand which the plaintiff has made against you.

You must answer the complaint in writing by you or your attorney within twenty (20) days commencing the day after this summons is served on you, (if you receive the summons in the mail, you have 23 days from the time it was mailed) or judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you are not the defendant, it is your duty to promptly deliver the papers to the person for whom this summons is intended.

The following manner of service of summons is hereby designated: CERTIFIED MAIL

Dated this 3rd day of July, 2014.

Jon A. Keyes
Jon A. Keyes, #25659-30
ALLEN WELLMAN McNEW HARVEY, LLP
Five Courthouse Plaza
P.O. Box 455
(317) 462-3455
(317) 467-6109 Fax

Aura Berry
CLERK of WAYNE COUNTY

JUL 03 2014

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

(1) By delivering a copy of the summons and a copy the complaint to the defendant, _____ on the _____ day of _____, 2014.

(2) By leaving a copy of the summons and a copy of the complaint at _____, the dwelling place or usual place of abode of the said defendant, with a person of suitable age and discretion residing therein, namely _____ and by mailing a copy of the summons without the complaint to _____ at _____ the last known address of defendant(s).

Certified Number: _____

Date _____

Sheriff of _____ County, Indiana
By _____

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2014, I mailed a copy of this summons and a copy of the complaint to the defendant, _____ by **CERTIFIED MAIL**, requesting a return receipt, at the address furnished by the plaintiff.

Dated this _____ day of _____, 2014.

Clerk of Wayne County

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint mailed to defendant, _____, was accepted by the defendant on the _____ day of _____, 2014.

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint were returned not accepted on the _____ day of _____, 2014.

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint mailed to defendant, _____, was accepted by (age) _____ on behalf of said defendant on the _____ day of _____, 2014.

Clerk of Wayne County

SERVICE ACKNOWLEDGED

A copy of the within summons and a copy of the complaint attached thereto were received by me at, _____, this _____ day of _____, 2014.

Signature of Defendant

After diligent search, I am unable to serve the defendant in my bailiwick

Sheriff of _____ County, Indiana

STATE OF INDIANA)
) SS
COUNTY OF WAYNE)

IN THE WAYNE CIRCUIT COURT

CAUSE NO. 89C01-1407-CT-000034

ALESA PACK)

Plaintiff,)

Vs.)

NORFOLK SOUTHERN CORP.,)

Defendant.)

FILED

JUL 03 2014

Debra Berry
Clerk, Wayne Circuit Court

APPEARANCE FOR PLAINTIFF

Party Classification: **Initiating**

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party members: **Alesa Pack**
2. Applicable attorney information for service as required by Trial Rule 5(B) (2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Jon A. Keyes

ALLEN WELLMAN McNEW HARVEY, LLP

Five Courthouse Plaza

P. O. Box 455

Greenfield, IN 46140

Attorney No.: 25659-30

Phone: (317) 462-3455

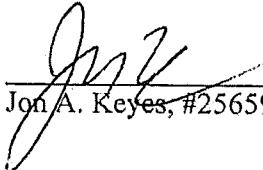
FAX: (317) 467-6109

EMAIL: jak@awmh.net

3. There are other party members: **No.**
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): **CT**
5. Initiating party WILL accept FAX service: **Yes.**
6. There are related cases: **No.**
7. This case involves support issues: **No.**

Respectfully submitted,

ALLEN WELLMAN McNEW HARVEY, LLP



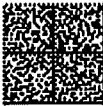

Jon A. Keyes, #25659-30

DEBRA BERRY
WAYNE COUNTY CLERK
301 E MAIN ST
RICHMOND, IN 47374-4253

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NORFOLK SOUTHERN CORP C/O JOHN C DUFFY, REG AGT-STUART & BRANIGIN 300 MAIN ST STE 800 LAFAYETTE, IN 47901-1344	
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Non-Machinable Parcel